

ZB# 04-54

**John Taldone
(Denied)**

63-4-9.2

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
Denied 7-26-04

ZBA #04-54 JOHN TALDONE (AREA)
SYCAMORE DR. (63-4-9.2)

Michael Reis 496-5970
(for John Laldore)



Town of New Windsor

**555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695**

OFFICE OF THE ZONING BOARD OF APPEALS

December 16, 2004

John & Lena Taldone
2609 Spring Ridge Drive
Las Vegas, NV 89134

SUBJECT: REQUEST FOR VARIANCE #04-54

Dear Mr. & Mrs. Taldone:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

Myra Mason, Secretary to the
NEW WINDSOR ZONING BOARD

MLM:mlm

cc: Michael Babcock, Building Inspector

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 63-4-9.2

In the Matter of the Application of

MEMORANDUM OF
DECISION DENYING

JOHN TALDONE

AREA

CASE #04-54

WHEREAS, Daniel Bloom, Esq. represented John Taldone, owner(s) of 346 Sycamore Drive, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an 1,790 sq. ft. Lot Area for proposed single-family dwelling on Sycamore Drive in an R-4 Zone (63-4-9.2)

WHEREAS, a public hearing was held on July 26, 2004 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant and Daniel Bloom, Esq., his attorney, appeared on behalf of this Application; and

WHEREAS, there were spectators appearing at the public hearing; and

WHEREAS, four persons spoke in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property consists of a vacant lot in a residential area on which the applicant proposes to erect a single-family residential dwelling.
 - (b) The property was the subject of a prior application which proposed a different residential dwelling.

- (c) The applicant produced as a witness, George Minervini, an Environmental and Geological Consultant. Considering the proposed house, the implementation of water conservation devices, the expert offered the opinion that the home, if constructed, would likely require not more than 330 gallons per day.
- (d) The expert also indicated that there is a "Recharge Problem" with the aquifer servicing this lot, however, offered the opinion that there would not be a significant impact to the aquifer in this area.
- (e) The witnesses questioned the applicant's plans offering the opinion that it is likely that another bathroom would be installed in the premises.
- (f) The applicant indicated that this application is different from the prior application which had been previously denied because this application reduced the number of bedrooms from four to three and the number of bathrooms from two and one half to one and one half.
- (g) A number of witnesses relayed anecdotal evidence of the inadequate supply of water in the neighborhood.
- (h) An attorney representing the objectants pointed out that the plans would allow easily for the installation of an additional bathroom and with that installation there would be no reduction in the number of rooms in which water is actually used.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will produce an undesirable change in the character of the neighborhood and create a detriment to nearby properties in placing a demand on water supply which already appears to be marginally or inadequate.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations and are not warranted.
4. The requested variance(s) will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district in that it would tax an already over-burdened aquifer for water source.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created.

6. The benefit to the Applicant, if the requested variance(s) is/are granted, does not outweigh the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are not appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and will not preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will not be served by allowing the granting of the requested area variance(s).

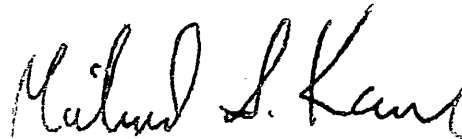
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor DENY a request for a) Request for 1,790 sq. ft. Lot Area for proposed single-family dwelling on Sycamore Drive in an R-4 Zone (63-4-9.2) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: July 26, 2004



Chairman

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Revised June 25, 2004

DATE: January 23, 2004

**APPLICANT: John Taldone
346 Sycamore Drive
New Windsor, NY 12553**

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 1/14/04

COPY

FOR : Proposed one-family house

LOCATED AT: Sycamore Drive

ZONE: R-4 Sec/Blk/ Lot: 63-4-9.2

DESCRIPTION OF EXISTING SITE: vacant land

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

- 1. Proposed one-family house, in R-4 Zone with sewer only does not meet minimum lot size of 21,790 sq. ft.**


BUILDING INSPECTOR

	PERMITTED	PROPOSED OR AVAILABLE:	VARIANCE REQUEST:
ZONE: R-4 USE: 7-C Bulk Tables			
MIN LOT AREA:	21,790 sq.ft.	20,000 sq.ft.	1,790 sq.ft.
MIN LOT WIDTH:			
REQ'D FRONT YD:			
REQ'D SIDE YD:			
REQ'D TOTAL SIDE TD:			
REQ'D REAR YD:			
REQ'D FRONTAGE:			
MAX BLDG HT:			
FLOOR AREA RATIO:			
MIN LIVABLE AREA:			
DEV COVERAGE:			

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

04-54

63 68-4-92



RECEIVED

JUN 24 2004

BUILDING DEPARTMENT

FRONT ELEVATION

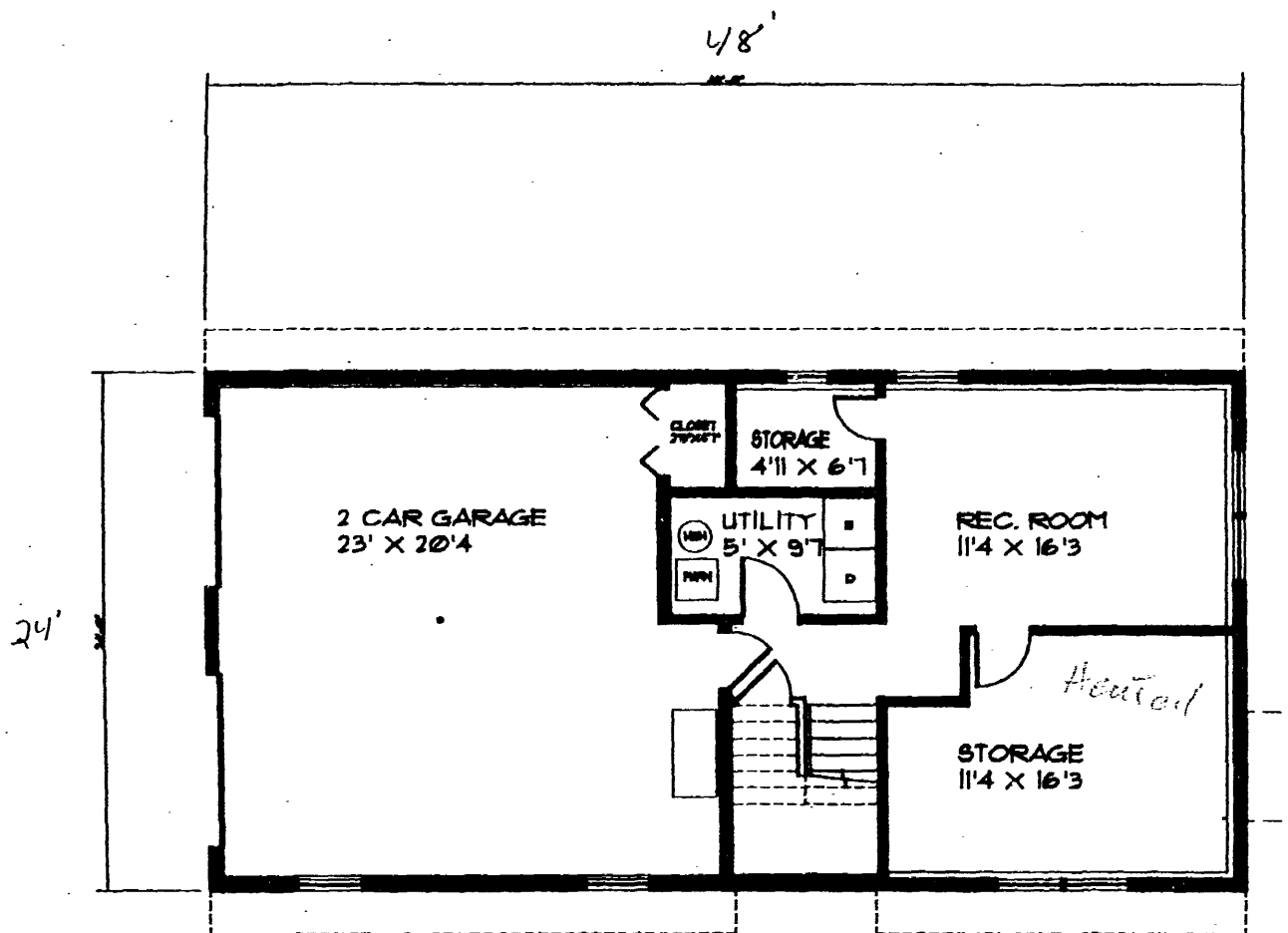
1934 SQ. FT.

C12997-10

DESIGN GROUP ARCHITECTS

(914) 928-2288

FAX 928-8737



LOWER LEVEL PLAN

590 SQ. FT.

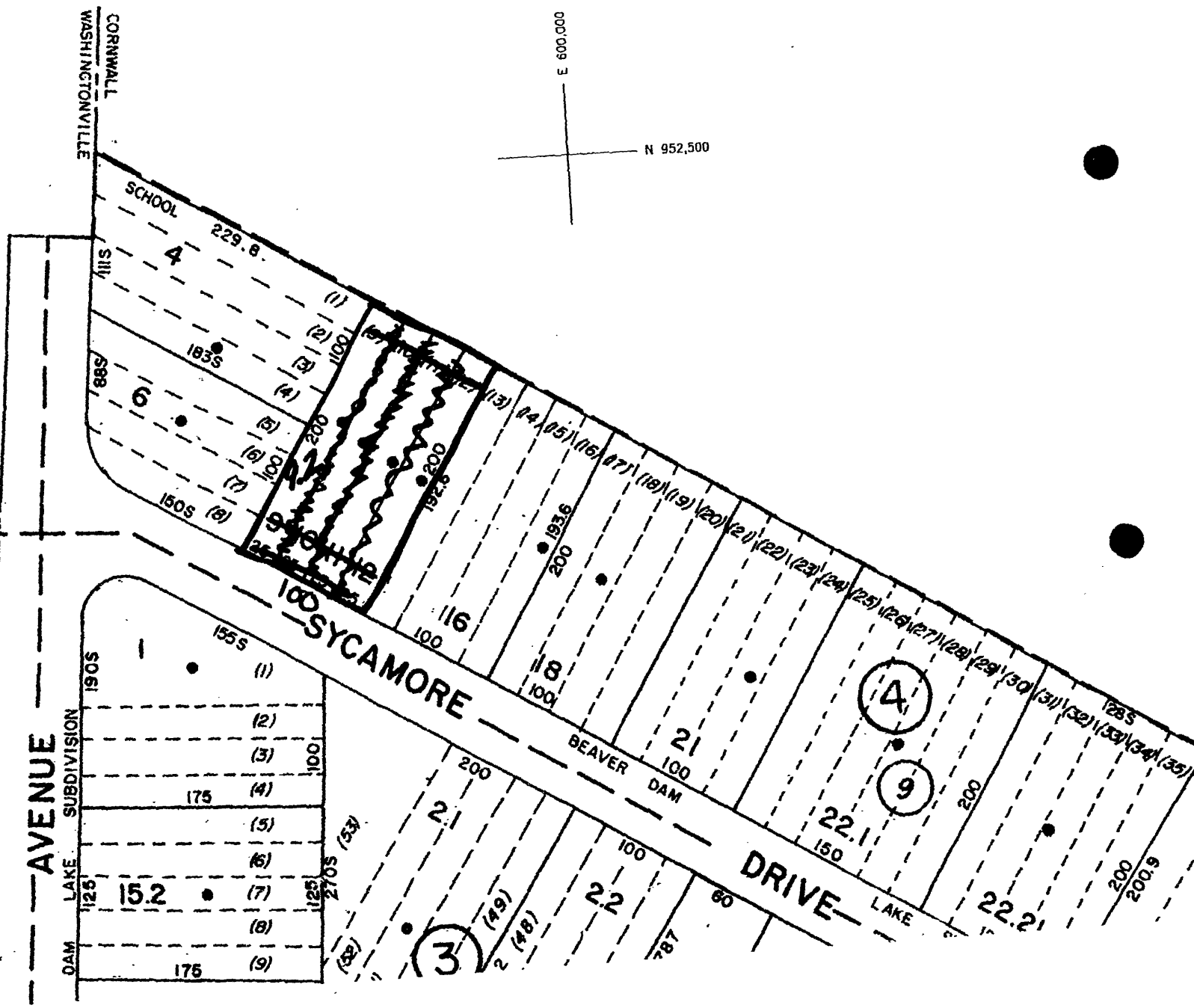
CI2997-10

DESIGN GROUP ARCHITECTS

(914) 928-2288

FAX 928-8737

DRIVE			
	MAP	1044	
(1)	(48)	180	
(2)	(47)	• 1.122	
(3)	(46)		100
(4) N.W.	(45)		
(5)	(44)	180	
5)	(43)		
7	(42)	• 1.3	100
7	(41)		
(2)	(40)		
	(39)	• 1.4	100
	(38)		
	(37)		
	(36)		



TOWN OF NEW WINDSOR ZONING BOARD
PUBLIC HEARING FOR:

DATE:

John Tallone
July 26, 2004

SIGN-IN SHEET

	NAME	ADDRESS
1.	Samuel Greer	
2.	Tamara L Greer	336 Spicamore Dr. NW
3.	Michael Tany	2177 RT 94 SAUSPORT MILLS
4.	Mosothy Kasello	344 Chestnut Avenue N.W.
5.	Debra Quartuccio	340 Chestnut Ave.
6.	Debra Anna	354 Chestnut Ave NW
7.	James Quartuccio	340 Chestnut Ave
8.	Cyrus Kasello	344 Chestnut Ave
9.	Francis L. Dornery	12 Hilltop Dr. NW
10.	Debra Cameron	65 cedar ave
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: OCTOBER 15, 2004
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 153.00 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #04-54

NAME & ADDRESS:

**John & Lena Taldone
2609 Spring Ridge Drive
Las Vegas, NV 89134**

THANK YOU,

MYRA

L.R.10-18-04



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS**



FILE #04-54 TYPE: AREA

APPLICANT Name & Address:

**John & Lena Taldone
2609 Spring Ridge Drive
Las Vegas, NV 89134**

TELEPHONE: 702-243-4375

RESIDENTIAL:	\$ 50.00	CHECK # <u>6414 (reis)</u>
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK # 6415 (reis)

~~~~~

| <u>DISBURSEMENTS:</u> | <u>MINUTES</u>       | <u>ATTORNEY</u> |
|-----------------------|----------------------|-----------------|
|                       | <u>\$5.50 / PAGE</u> | <u>FEE</u>      |

|                              |           |       |                 |                 |
|------------------------------|-----------|-------|-----------------|-----------------|
| PRELIMINARY:                 | <u>2</u>  | PAGES | \$ <u>11.00</u> | \$ <u>35.00</u> |
| 2 <sup>ND</sup> PRELIMINARY: | —         | PAGES | \$ _____        | \$ _____        |
| PUBLIC HEARING:              | <u>12</u> | PAGES | \$ <u>66.00</u> | \$ <u>35.00</u> |
| PUBLIC HEARING:              | —         | PAGES | \$ _____        | \$ _____        |

TOTAL:      \$ 77.00      \$ 70.00

~~~~~

ESCROW POSTED: \$ 300.00 (reis)

LESS: DISBURSEMENTS: \$ 147.00

AMOUNT DUE: \$ _____

REFUND DUE: \$ 153.00

Cc:

Michael Reis
48 Willow Pkwy
New Windsor, NY 12553

JOHN TALDONE (04-54)

MR. KANE: Next public hearing is John Taldone request for 1,790 square foot lot area for a proposed single family dwelling on Sycamore Drive in an R-4 Zone.

MR. REIS: Mr. Chairman, Michael Reis, I have to recuse myself from this application, I'm involved with the sale of the property.

MR. BLOOM: Good evening ladies and gentlemen, my name is Dan Bloom and I'm an attorney in New Windsor and I represent Nicholas Taldone, the applicant, this evening. Before I came, I had the opportunity to review the minutes of last meeting, the public meeting, and for that reason, with this Board's permission, I'd like to rather than make it a broad base stroke application at this time, I would like to concentrate on the issue as I perceived it to be the main issue that was before the Board on the last application and obviously, the main concern of the neighbors and that was the water issue. To that end, we have retained the services of Mr. George Minervini, that I have here with me this evening, he's a geologist and with the Chair's permission, I'd like to have Mr. Minervini make some preliminary comments to you about his findings and conclusions and suggestions concerning the water problem in the area of the particular construction and so on.

MR. MINERVINI: Hi I'm George Minervini, I'm an Environmental Consultant, a Geological Consultant, with Inspect Environmental Consultants. Mr. Bloom and Mr. Taldone contacted me specifically to address the water issue regarding the proposed house on Sycamore Drive. Specifically whether the construction of such a house would significantly impact the ground water resources in the area. Apparently, I wasn't here last week, but apparently there was some objections or concerns for the ground water supply. Now, during the week I contacted some people knowledgeable and familiar with ground water in the area, including some local drillers in the Orange County Water Bureau. Regarding supply, the drillers indicated

MR. DREYER: Mr. Chairman, can I object please.

MR. KANE: Excuse me, no. No, right now, this is not a court. We have no jury. When the public portion is open, you'll be allowed to speak sir.

MR. DREYER: I'm just asking, are you going to accept here-say.

MR. KANE: Sir, yes, please sit down or leave. You can take it any way you want. Don't interrupt. I don't care if you're a lawyer, officer, a judge, my mother, don't interrupt somebody when they're speaking. This is not a court of law this is the Zoning Board of Appeals.

MR. DREYER: I was just asking if there was standing to object.

MR. KANE: Don't be rude. Thank you.

MR. DREYER: I was attempting to be polite sir.

MR. MINERVINI: The owners have indicated that the well productions in the area are usually in the area of two to five gallons per minute. This house, and I understand that Mr. Sabini, the

builder, has modified the design for the house, in other words, making it I think the original application was for a four bedroom house and it is now a three bedroom. A three bedroom house requires, I believe, 130 gallons per day, per bedroom, so that would be a total of 390 gallons would be the needed supply for that house. A short calculation would be if the well produced only one gallon per minute, you would still have 1,400 plus gallons provided by that well per day. I talking with Mr. Sabini, he has also agreed to implement as many water conservation devices as possible within the house itself, which would include low-volume, low-flow toilets, flow restrictors on faucets and that type of technological innovation. So, boiling that down, I think the needed supply for the house could be reduced, in other words, it's required to have 130 gallons per day per bedroom, I think with those devices, it could be lessened to somewhere in the neighborhood of 100 to 110 gallons per bedroom per day.

MR. KANE: Where did the 130 gallons per bedroom come from?

MR. MINERVINI: I believe that's from the Orange County Health Department.

MR. KANE: And that's their average, that's what they require?

MR. MINERVINI: That's what they require, yes.

MR. KANE: Do you have any information on what the actually average use would be?

MR. MINERVINI: I do not. And I don't have information, since there is no ground water supply in the Town of New Windsor on the overall capacity of the aquifer that is drawn from by this neighborhood. I don't think anybody denies that there is a recharge problem with that aquifer. Recharge being refilling of the water that is drawn from it. It's not a fast process, it's a slow process. Given the projected needs of New Windsor, which I believe are projected to be four million gallons per day, but that is for an existing consolidated water company, that's from the Catskill aquifer and there is no projection from the ground water supplies because there aren't any at this point. Boiling it all down, I don't think there would be a significant impact to the aquifer in the area of Sycamore Drive or Beaver Dam Lake by the addition of this house requiring 300 to 400 gallons per day. I would suggest that since there is a concern and some people's wells have gone dry for a period of time before they are totally recharged, that the neighborhood might consider a committee to develop water conservation practices as a neighborhood policy for the home owner.

MR. KANE: Wouldn't first rule of that be to cut back on the amount of people using it?

MR. MINERVINI: Well, you can't evict somebody from their house.

MR. KANE: No, but, you don't have to build new ones.

MR. MINERVINI: Well, I understand what you are saying.

MR. KANE: Any other suggestions sir?

MR. MINERVINI: No not really, I think that the efforts that the builder has now incorporated into his plan to lessen the amount of water that will be needed will, well I won't say that it's not

going to impact the aquifer, because obviously it is, it's another well on it, but, I think he's made an effort to appease and to try to conserve as much water as possible in his design.

MR. KANE: Ok, thank you. Have we gone from three bathrooms down to two?

MR. BLOOM: We have, Mr. Chairman, we've gone from four bedrooms to three, we've gone from two and a half baths to one and a half baths. And if I may pick up where Mr. Minervini left off, when he discussed with me the concept of water conservation in the general neighborhood, it sort of rang a bell with me and gave me this insight that I respectfully suggest that the Board consider and that is that whether or not my client builds this house, this neighborhood obviously has had and will continue to experience water shortages and that is obviously a function not only of the number of uses but, the manner in which they are used. In discussing this problem with Mr. Minervini, he indicated to me that it might make sense and he has heard of it before and it makes sense to me, that if this is, and it obviously is a serious problem in this neighborhood, what makes sense are these people who are obviously experiencing these problems and they're real, is to get together as a neighborhood and decide what voluntary conservation efforts could be made by all in the interest of all. Not just leave it voluntary but, then proceed to reduce those conservation efforts to writing in the form of a Restrictive Covenant that they voluntarily place in their own chains of title of each one of those deeds. If they succeed in doing that on the whole block, just imagine the impact perhaps on the whole district in the Washingtonville/Cornwall/New Windsor area out of Beaver Dam. So what I'm saying is that I think it's unfair to turn to every potential new lot builder, builder on a lot, and say we have a problem, therefore, you can't build, because isn't it a legitimate inquiry to say well maybe our problem is partially caused by us, not all of us, maybe not by some of us, but it seems to me to the extend that people recognize in the whole neighborhood they have a huge problem like this that if they don't take the impetus to say yeah we're going to get together and say look, we've got to do something about this, not just for us or our children, but, for future generations. We've got to place voluntary restrictions, not just voluntary, we've got to put them in our deeds. We've got to step up to the plate and do what's right, and I feel that my client's done that, I feel that Jerry Sabini's done that. He's reduced the size of this house by another 500 square feet. He's reduced it from 2 ½ baths to 1 ½, from four bedrooms to three. I think he's gone the extra mile and I respectfully request that this Board look favorably upon it.

MR. MINUTA: Sir, one questions, with regard to the deed restrictions. All very good ideas that I think that were brought to the table, my question is who would be responsible for policing those restrictions.

MR. BLOOM: Well, if you place restrictions like that in a deed, my recommendation would be that they have teeth. Whenever I prepare Restrictive Covenants such as this I put in the Restrictive Covenant that a violation of the covenant can be enforced by any of the homeowners that are signatories to the agreement and if they succeed, that they are entitled to an award of their attorney's fees and court costs, and therein lies the incentive because if you know you're violating it, you're going to back off because you know if you get sued, you got to pay your attorney and theirs.

MR. MINUTA: Well, again who would police that and how would that be policed?

MR. BLOOM: The individual lot owners, for example, you see your neighbor out after you sign the agreement washing the car, you tell them you better stop doing that. If they continue doing it, you bring an action against them, have it enforced and you get damages under the agreement.

MR. MINUTA: Who is to say that washing your car would not be within the guidelines of water restriction.

MR. BLOOM: Oh, I'm not, I'm using that as an example that's all.

MR. MINUTA: My question is this again, all very good ideas, I think implementing them may be very difficult because we need to rely on such devices as check meters and things of that nature to monitor the water, which would then need to be policed by the community in some way.

MR. BLOOM: No, I'm thinking of obvious ones, people water their lawns, people wash their cars, those are obvious. The more subtle ones, obviously would require meters. But, you know something, if I lived in a neighborhood where my investment relies on my availability of water supply, I'm going to voluntarily put water meter of some meter control device on my house because I want to be able to say to the person I sell that house to in ten or fifteen years that I covered this ultimately.

MR. MINUTA: So your suggestion is that the individual police themselves.

MR. BLOOM: The police themselves and the neighbors police, both.

MR. MINUTA: Thank you.

MR. KANE: Okay, how big is the home? Total square feet?

MR. SABINI: I believe it's 48 by 28 the top floor. The bottom would be with a two-car garage underneath it'd be another, I'd say 350 or 400 square feet approximately. Mr. Babcock do you have the blueprint?

MR. BABCOCK: 28 X 48. 1,344 square feet the top floor.

MR. KANE: Okay, 590 so you're looking at 1,934. Okay, next obvious thing to do is to open it up to the public... at this point, Please, we've been down this road before so please don't be repetitive, we know how you feel. They've made some changes, substantial in bringing it down almost 500 square feet. Just try to ask some questions that are pertinent and not rehash the old stuff. But, feel free, if you have a question, I want you to ask it.

MS. QUARTUCCIO: I'm Debbie Quartuccio, 340 Chestnut Avenue, New Windsor. I want to respectfully request that you, so we don't repeat everything we said, that you honor what we said in the minutes of the last meeting and I have them with me just in case.

MR. KANE: I have no problem with that.

MS. QUARTUCCIO: Same as the last meeting, my husband and I on July 6th on or about ran out of water totally and had to dump over \$3,000.00 into our well because we didn't have any water. I would also like to state that Mr. Bloom said, he obviously hasn't taken a drive through our neighborhood, because I don't think I've washed my car maybe once thirteen years ago.

MR. KANE: Well, it's an example, it's not, it's just looking at conservation.

MS. QUARTUCCIO: Well, I'm just saying that nobody waters their lawn, we already do that. We don't have to have a deed or spend the money for that because we're too busy putting it in our well. I saw the plans and they have like this utility room, not utility room, sorry, it's a storage room or closet. I have the same house. That room is a bathroom in my house. It's my second bathroom. I only have two bathrooms, there's no other place to put a bathroom. I feel that that will eventually become the third bathroom down there. Like I said, I tried to improve the quality of my life by having to take care of my well since the last time...

MR. KANE: How many feet did you have to go down this time?

MS. QUARTUCCIO: Went 370 feet down now. I had to put a new, this is my third pump that I had to put in three years because I kept going dry and it burned out all those pumps so he had to put a new one down again and you know, it's putting a strain on our....

MR. KANE: The question is how many feet did you go down this time, I'm trying to get a comparison.

MS. QUARTUCCIO: I think he went down ...

MR. KANE: Compared to where five years ago you were at or four years ago you were at...

MS. QUARTUCCIO: I was at 324.

MR. KANE: This time.

MS. QUARTUCCIO: No, I'm at 370 now.

MR. KANE: You're at 370 now and you were at 324 before.

MS. QUARTUCCIO: Yes.

MR. KANE: And how many years ago was that approximately.... That you had to do a redrill to get to 324.

MS. QUARTUCCIO: I just did it three weeks ago.

MR. KANE: No, you're not following me.

MS. QUARTUCCIO: I didn't do...

MR. KANE: You're at 370. Have you.. this is the first time you drilled since you been in the house in thirteen years.

MS. QUARTUCCIO: Yes, I sunk pumps yes.

MR. KANE: Okay, but, this is the first time you've drilled in thirteen years.

MS. QUARTUCCIO: Yes.

MR. KANE: I just wanted to see what the time span was, that's all.

MS. QUARTUCCIO: I only had fifteen foot of water when they did it. That's how bad it was. I couldn't recover this time. Like I said, we already practice water conservation. We weren't able to take more than three showers in a day and you couldn't do laundry that day if you did do that. So, that's all I can think of right now.

MR. KANE: Okay, thank you.

MS. QUARTUCCIO: Thank you.

MS. DREYER: My name is Tamara Dreyer and I'm at 336 Sycamore Drive. The empty lot happens to be right next to me on my right hand side. As I noticed, our other side here has done nothing but voice good opinions for us as far as I'm concerned, we already police ourselves to the fullest, I mean, I'm a single person living in the house and I only do one load of laundry a week. I know I'm getting a lot of air in my lines and things like that. I don't know if that is due to the fact that I may be going shortly so I just take my five minute shower and do one load of laundry a week to make sure I do keep my water. Please take notice of our past minutes that way we don't have to go through a lot of this again.

MR. KANE: We definitely will.

MS. DREYER: Thank you. I also want to state, I am not opposed to new neighbors. I'm not opposed to a house. I'm opposed to losing my water, which no one can guaranty I'm not going to do. Okay, so I want that made clear. I'm not opposed to these people per say.

MR. KANE: I understand. It's a tough question to answer. Is it their right to build or use their property and your right to use your property.

MS. DREYER: Absolutely, and I understand that but, like I've said in the past and I want to say again. This is my home and my community. I've been here thirty-two years. I'm extremely concerned with New Windsor in and of itself. To Mr. Taldone, this is only a piece of property to him. What affects us doesn't affect him. To him it's monetary and I understand that but this is my community and my home. I haven't left here.

MR. KANE: That's fine.

MS. DREYER: Absolutely, I just want to voice my opinions here. And it's not a legal building lot. I have to say that and once again, he has to go for a variance in order to put any

type of house on there and I think zoning laws were made to protect the people who are already here and already established. Again, the storage room, I do believe is going to eventually be a half bath or a full bath downstairs. It's got the washer and dryer right next to it. The plumbing is there. I just want this on the record, I offered to negotiate with Mr. Taldone after our last meeting and he was thoroughly unprofessional and rude and refused to negotiate at all. I was looking to offer an alternative to this house with me buying the lot to add to my current property and he was in no way going to negotiate with me. To him it is all monetary. Thank you.

MR. KANE: Your welcome. Next.

MR. FRYE: You talked about usage per household. The numbers that were suggested were pretty accurate. Most people use about 100 gallons per day. The average household uses about 300 gallons per day.

MR. MINUTA: Sir, could you please state your name.

MR. FRYE: Sure, Mike Frye, Hudson Valley Drilling and I spoke at the last meeting.

MR. DREYER: Thank you Mr. Chairman, I appreciate the time. I'm Darryl Dreyer, Silver, Forrester, Schiazano, Lesser and Dreyer 3250 Rt. 9W, New Windsor, NY here on behalf of Tamara Dreyer and others. I think the last point made by Ms. Dreyer, happens to be my sister, is very pertinent. This land is not completely unmarketable to Mr. Taldone. My sister has tried to negotiate with him in good faith to offer him something very reasonable given the circumstances and he completely refuses to negotiate. He wants to maximize the value of his land which is a lot that does not conform and refuses to accept the fact that he has a lot that does not conform in an area that has a water shortage problem and through and he has the ability to market the land. Obviously for something less than he can market to a builder for, but, he definitely has the ability to market the land. When I stood to object before and I apologize if I seemed out of line, I did not know the Chairman's rules, I just wanted to know if I had standing to object.

MR. KANE: I don't like interruptions.

MR. DREYER: And again, I apologize.

MR. KANE: Not a problem.

MR. DREYER: So I'll reserve my comments to now on that. The reported expert brought in by Mr. Bloom really added nothing more than we had last time. We didn't hear anything about his background, we didn't hear anything about his training and experience, we know nothing other than he is a claimed expert and more important than that, even if we assume that he is an expert on these issues, he told you nothing about what he did. He didn't do anything. He didn't go to the land, he didn't interview the neighbors, he didn't talk to the people, he didn't bring anything back to you. He said he talked to some well drillers and he was telling you what they said and then he brought you some numbers and said how a well in that area could produce enough water for that house. Well a well in that area can only produce enough water for that house if there is water to be drawn, to be produced. We've already heard from direct neighbors that they're having problems, that they go through water conservation on a daily basis, and

though I can appreciate the position Mr. Taldone is in, and I respectfully submit that all of the Board Members here can appreciate the position he's in, the bottom line is that he has a non conforming piece of property in an area that has a water shortage problem in an area that in a few short months, the minimum building lot is going from a half acre to an acre. He substantially not conforms, he's 10% low and that's not insubstantial I respectfully submit. With respect to the architectural drawings of the house, I notice that it is a shade less than 2,000. Last time they were here it was a shade less than 2,400. So they only reduced 500 square feet, they only reduced one bedroom. And I respectfully submit they haven't reduced any of the bathrooms, any of the rooms that would actually use water. Though Mr. Bloom said it was a bath and a half it really as drawn a two bath and that could have just been a mistake on Mr. Bloom's part, as drawn it's a two bath. Then, if you look at the utility room, and any of us that have lived in bi-levels in the Town of New Windsor, which I did for quite a period of time on Nina Street, if you look at that storage room on the bottom level that's uniquely situated to every bathroom that I've ever seen and the bottom level of a bi-level and it's certainly large enough to support at a minimum a half bath. I think it's larger than the half bath that I had on Nina Street that had the exact same layout as this house. It's uncanny to look at my house on this drawing. It was laid out exactly the same way and I respectfully submit it's not going to be storage Mr. Chairman, if you look just a few short steps away they have an 11' 4" X 16' 3" storage area they call it. Guess what that's going to be, that's going to be a bedroom, that's not going to be a storage area, so really what you're looking at is a four bedroom house, a four bedroom two and a half bath house, they've done nothing but redesign the house and call the bedrooms storage areas and then come to you and say look at what we've done, we've reduced the number of bedrooms, we reduced the number of bathrooms, they've done none of that. I respectfully submit it's actually misleading, substantially so, and the Board should not stand for that. One thing that was stated by the builder's representative, your honor, is that he doesn't deny that there is a recharge problem in the area. Well, of course there is a recharge problem in the area. You're drawing your water from a well and you're carting it away not into a septic system by a sewer system. So any of the water that's actually leaving is leaving the area it's not being replenished into the aquifer so over time, this is going to be an even worse problem and we heard that in the last minutes so I won't belabor that point. Mr. Bloom had some wonderful ideas. I respectfully submit that in theory they're wonderful ideas, in practicality, they will never work. You will never get an entire neighborhood together to agree on documents to sign them and put them to their deeds. Realistically, what it is it's just handshake agreements between the neighbors which they're already doing. Nobody waters their lawn, nobody washes their car. They have to ration the number of showers they can take, nobody's washing their cars. They run it over to Vails Gate through the Foam & Wash. Why would we make water shortage in that neighborhood worse for a lot that doesn't conform when the homeowner has been made the opportunity to get a fair value for the property, and we're not talking pennies, we're talking a fair value will be offered if he would be willing to listen to the offer. I respectfully submit, your honor, Mr. Chairman, that they brought nothing additional to this Board and their request for a variance should be denied. Thank you.

MR. KANE: Thank you. Anybody else? Would you like to address some of the comments?

MR. BLOOM: Mr. Chairman, briefly.

MR. KANE: Okay, I'll leave the public portion open in case there are some questions, just restraint.

MR. BLOOM: Fine, thank you, first of all, for the record I'd like to have Mr. Minervini state his credentials for the record. His credentials were challenged and I'd like them to be made public.

MR. KANE: Please.

MR. MINERVINI: Inaudible..... I have a Bachelors of Science degree in geology from the State University of New York and a Masters in geology from the State University of Montana. I've worked as a geologist for the last thirty-five years in various aspects such as mining, petroleum, environmental water supply, etc. Right now I have a consulting firm located in High Falls, NY. I worked for major companies such as petroleum companies, chemical companies and engineering firms in the south, the mid-west and the northeast and I've worked for engineering companies locally for the last fifteen years that have provided environmental and water solutions to townships, individuals, corporations, etc.

MR. BLOOM: Mr. Chairman, may I also have Mr. Sabini address the remarks made raising doubts as to whether or not this is really going to be one and a half bath or something more than this.

MR. SABINI: I'm Jerry Sabini. It is a one and a half bath house, because when I submit for the building permit, that's what it will be. When you put the bathrooms in downstairs, they are going to be underneath the slab and the Building Inspectors will come out and do an inspection visually so there is no waste line. There would have to be a waste line underneath the slab to be finished later so it will be one and a half baths. And the comment about the utility room, you can't do it.... Inaudible. It's definitely one and a half baths, as far as the storage room that's just it storage.

MR. KANE: Is that a heated room, the storage room.

MR. SABINI: Yes, you will have a strip of baseboard in there, yes. Only because above it should be the living room so the heat would rise.

MR. MINUTA: Does that storage room also meet the minimum required square footage by the State of New York for a bedroom?

MR. SABINI: I'm not sure. I don't really know what the requirements would be

MR. BABCOCK: Well, you got egress windows and everything else.

MR. MINUTA: My question is pertaining to the, number one – square footage and number two – whether egress would be provided at this point or at some time in the future from the bedroom in a basement.

MR. BABCOCK: Well, let's put it this way, we don't want it to be a bedroom is what I'm understanding so we would make sure that there's not proper egress so it could never be a bedroom in the future.

MR. SABINI: There's no closet...

MR. KANE: Let's be real, if there is egress or not if they want to make it a bedroom, they're going to make it a bedroom. That's just the bottom line. They are going to throw a bed in there and a chest and it will be a bedroom, there's no control over that.

MR. SABINI: It's definitely one and a half bathrooms.

MR. KANE: I don't disagree with you... but I'm saying if people want to use it that way they are going to use it that way.

MR. BLOOM: I think it's a little bit disingenuous some of the complaints that I've heard this evening about blaming the water shortage or being concerned about the water shortage because of this, what I consider to be a very modest new house, to be constructed on this lot. Contrary to suggestions I am familiar with this neighborhood and have been all my life and there are additions on many of those houses out there and I dare say many of those additions are not legal additions besides and I dare say that this building is going to have and by restrictions voluntarily placed in the plans themselves, will be utilizing state-of-the-art ultimate water saving devices throughout the building and I would be very surprised if we were to look at the other surrounding houses and find most of those such devices in those houses. What I'm suggesting is, would it have an impact, I think it would be less than candid of me to suggest that it wouldn't, but, as we all know the rule is weighing the impact of this construction against the adverse impact on the rest of the neighborhood.

MR. KANE: Okay, before I close the public portion, I just want to make sure, any other comments?

MR. DREYER: Just in rebuttal, I won't raise any additional comments.

MR. KANE: Please do.

MR. DREYER: Mr. Bloom called this a modest house, I presume he meant modest in size and modest in amenities, though I can appreciate that it may be modest in comparison to some of the other new construction that's going on in the town and elsewhere, it's not modest for that neighborhood. The house directly next door is less than half the size, that would be my sister's house, it is less than 1,000 square feet. This one is more than double the size so, respectfully, for that neighborhood, the house is not modest. I respectfully submit that water usage for that house, regardless of the state-of-the-art water restriction devices is not modest and I can unequivocally state that my sister in her house has all of those state-of-the-art water conservation devices and the neighborhood still runs dry. Mr. Bloom did say he would be less than candid if he didn't say that there would be an adverse impact, and I agree with him and the question then becomes to this Board, should we put any more adverse impact on these people in this neighborhood who have lived there to support a new home on a lot that doesn't conform, and that's the issue. The lot doesn't conform and he can market the property. He's not walking away empty-handed.

There are people who are willing to negotiate with him and negotiate fairly if he would return a phone call. I thank you for your time.

MR. KANE: Anybody else... one more time.

MS. QUARTUCCIO: I just redid the well, so if he drills a well and he does hit my line, my vein, I mean clearly I just did it, if I go dry, wouldn't that be an indication that I had an adverse affect from his building. Nobody here is trying to stop anybody from building on lots that are already within the zoning guidelines. Right next to the park, they're trying to subdivide this huge acreage that's up there. We know we're going to get hit, we just don't want to be hit by people that don't conform that's all.

MR. KANE: Okay, everybody said their piece... public is closed. Alright, how many mailings do we have.

MS. MASON: On July 12th, I mailed out 31 envelopes, and I had no response.

MR. KANE: Back to the Board... questions... Michael, Kathy? No?

MR. REIS: Mike, would I be in bounds making a comment?

MR. KANE: From out there. Pick yourself up, walk out in the audience and from out there you can. You become part of the audience.

AUDIENCE MEMBERS: You closed the public portion sir. That's public.

MR. KANE: That's true.

AUDIENCE MEMBERS: Thank you.

MR. KANE: It's only fair. Are we all through with the questions... Joe.

MR. MINUTA: Are we open to discuss this amongst ourselves.

MR. KANE: Yes, everything else is closed, they can only listen.

MR. MINUTA: Okay, there are several issues here, the one being the well. That's been a primary issue from the beginning, every single meeting we had. I don't see any evidence coming forth to protect the other residents of the area. I don't see any evidence coming forth to predict what will happen in any way shape or form as was indicated with the research regarding wells, I don't find anything has come to the table to support or deny either ... the problem is, there is a definite water shortage in this area, which has been voiced by the residents who are already existing town taxpayers. With regard to the house, I don't believe that it's going to be out of the ordinary for the area. Perhaps that specific location, I do believe that it may be a little larger than normal for that specific area, however, for the building that's going on today it is a modest home. My question is, is the design of the house for the lot itself and what the lot's requirements are. The design of the house itself, each storage area or rec room or whatever other room we are going to rename as a different room becomes a problematic issue because we could say this

particular application is not against the former applicant in any way shape or form, it's the project itself that needs to stand it's own merit. As indicated by this Board and by the audience, each room could be actually made into a bedroom, whether it conforms or not, whether the new resident wants to conform or not conform, these places could be made into a bathroom, another bedroom, things of that nature. The application for this particular site, in my opinion, is lacking in the supply and demand of the well system, and had this not been the case, we run into issues like this before, where you know, it's a non-conforming use as far as square footage of property, but, there are also other caveats such as town water and sewer at the location. The, I think Mr. Dreyer brought up a very valid point as to the water that's being carted away. It is not seeping back into, I'm not a geologist, I'm an architect, but, the water seeping back into the ground only sounds logical that it would be replenished at some point in time. These are the issues that I have with this particular application.

MS. LOCEY: Was any draw down testing done on the wells?

MR. BLOOM: There is no well to test so to speak. It would have to come from the existing homeowners.

MR. KANE: The answer is no... there is no evidence that way. Well, I think it comes down to making up your mind what you want to do... can I get a motion.

MR. MINUTA: I make a motion to grant John Taldone the request for a 1,790 square foot lot area for a proposed single-family dwelling on Sycamore Drive in an R-4 Zone.

MS. LOCEY: Second.

ROLL CALL:

MS. LOCEY	NAY
MS. GANN	NAY
MR. MINUTA	NAY
MR. KANE	NAY

Motion denied 4 Nays.

Meeting Adjourned.

JOHN TALDONE (04-54)

MR. KANE: Request for 1,790 sq. ft. lot area for proposed single-family dwelling on Sycamore Drive in an R-4 zone.

Mr. Michael Reis appeared before the board for this proposal.

MR. REIS: Mr. Taldone asked me to please represent him here this evening. This was presented to the board at another time and it was turned down. The owner is now substantially reducing the request for the size home, it's still a minimal lot that's required, okay, the 1,200 and some square feet but the house is now going to be a bi-level three bedroom two full bath under 2,000 square foot rather than a colonial 4 bedroom 2 1/2 bath over 3,000 square foot so it's a substantial decrease of the size of the house.

MR. KANE: Mike, will there be cutting down of trees or substantial vegetation with the building of this house?

MR. REIS: Only to support the driveway and the foundation on the property.

MR. KANE: Creating any water hazards or runoffs?

MR. REIS: No.

MR. KANE: Is this going to be well, Mike, septic?

MR. REIS: It's drilled well and Town sewer.

MR. KANE: Last time they were in, they were over 3,000.

MR. REIS: Yes.

MR. KANE: I believe that's accurate, right, Mike?

MR. BABCOCK: The house itself, yeah.

MR. KANE: I have no further questions at this time. Gentlemen?

MR. MINUTA: Is this lot coming under something, is this something we previously looked at?

MR. KANE: Yes, they're coming back with a different design.

MR. MINUTA: They cut about 1,100 feet of living space off it. I missed the last meeting.

MR. KANE: It was way too big for the lot. We're just setting him up for the public hearing at this point so Len, Steve?

MR. MC DONALD: No questions. Will you accept a motion?

MR. KANE: Yes, I will.

MR. MC DONALD: Move we set up Mr. John Taldone for his request for 1,790 foot lot area for proposed single family dwelling on Sycamore Drive for a public hearing.

MR. RIVERA: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. KANE	AYE
MR. MINUTA	AYE

Rebbie Quartuccio:

Spoke re: $\frac{7}{16}$ running out of water + investing
3000.00 into her well.

Tamara Dwyer: 336 Sycamore Dr.

Spoke re: They already conserve water
Not opposed to another house - opposed to
losing her water. Not a legal Bldg Lot. Laws
made to protect. Mr. Saldone would not
negotiate with her to purchase the property

Mike Fry: Numbers he gave a last meeting were correct
and still stands.

Darrell Dwyer: Spoke re: Mr. Saldone has the ability to
market the land and did not and would
not negotiate with Tamara Dwyer to purchase
The property.



RESULTS OF ZBA MEETING OF:

July 26, 2004

PROJECT:

John Taldone

ZBA #

04-54

P.B.#



USE VARIANCE:

NEED: EAF

PROXY

LEAD AGENCY: M) S) VOTE: A N RIVERA MCDONALD REIS MINUTA KANE CARRIED: Y N PUBLIC HEARING: M) S) VOTE: A N RIVERA MCDONALD REIS MINUTA KANE CARRIED: Y N NEGATIVE DEC: M) S) VOTE: A N RIVERA MCDONALD REIS MINUTA KANE CARRIED: Y N APPROVED: M) S) VOTE: A N RIVERA MCDONALD REIS MINUTA KANE CARRIED: Y N

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING:

M) S) VOTE: A N RIVERA MCDONALD REIS MINUTA KANE CARRIED: Y N

PUBLIC HEARING:

STATEMENT OF MAILING READ INTO MINUTES ✓

VARIANCE APPROVED:

M) S) VOTE: A N ~~RIVERA~~ LOCEY ~~MCDONALD~~ GANN ~~ABSTAIN~~ MINUTA KANE CARRIED: Y N ✓130 gal / Bedroom / day required by O.C. Health Dept.48 X 28

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

-----X

In the Matter of the Application for Variance of

JOHN TALDONE

AFFIDAVIT OF
SERVICE
BY MAIL

#04-54

----- X

STATE OF NEW YORK)

) SS:

COUNTY OF ORANGE)

MYRA L. MASON, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 12TH day of JULY, 2004, I compared the 31 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason
Myra L. Mason, Secretary

13th day of July, 2004

Deborah Green
Notary Public

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984066
Commission Expires July 15, 2007

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

Appeal No. 04-54

Request of JOHN TALDONE

for a VARIANCE of the Zoning Local Law to Permit:

Request for 1,790 sq. ft. Lot Area for proposed single-family dwelling on Sycamore Drive in an R-4 Zone (63-4-9.2)

PUBLIC HEARING will take place on JULY 26, 2004
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.



Michael Kane, Chairman

63-2-1.11

Ernest & Diane Saporito
332 Hickory Avenue
New Windsor, NY 12553

63-3-2.1 & 63-3-2.3

Catherine Anderson
323 Sycamore Drive
New Windsor, NY 12553

63-4-22.1

Salvatore & Joann Catania
324 Sycamore Drive
New Windsor, NY 12553

63-2-1.122

Ruth Hedenkamp
333 Chestnut Avenue
New Windsor, NY 12553

63-3-2.2

Vladimer & Aleksander Zhukovskiy
Oleg Zhukovskiy
317 Sycamore Drive
New Windsor, NY 12553

63-4-22.21

Jennifer Brosnan
Donna Beyer
318 Sycamore Drive
New Windsor, NY 12553

63-2-1.2

Jim & Theresa Eggers
317 Chestnut Avenue
New Windsor, NY 12553

63-3-3.1

Vincent & Hope Stanzione
311 Sycamore Drive
New Windsor, NY 12553

57-1-39.15 & 57-1-39.16

Brian & Debora Arena
354 Chestnut Avenue
New Windsor, NY 12553

63-2-1.3

Gerald & Mary Louise Corbett
329 Chestnut Avenue
New Windsor, NY 12553

63-3-3.2

Christopher & Joanne Carter
315 Sycamore Drive
New Windsor, NY 12553

57-1-39.17

Eugene & Dorothy Kasello
344 Chestnut Avenue
New Windsor, NY 12553

63-2-1.4

Margaret De Simone
325 Chestnut Avenue
New Windsor, NY 12553

63-3-8

Eugene & Emily Cocozza
314 Chestnut Avenue
New Windsor, NY 12553

57-1-39.18

James & Debra Quartuccio
340 Chestnut Avenue
New Windsor, NY 12553

63-2-1.5

Raymond & Nancy Makofske
328 Hickory Avenue
New Windsor, NY 12553

63-3-15.2

William & Alison Brand
324 Chestnut Avenue
New Windsor, NY 12553

57-1-77

Barry Saxe
Mc Daniel Road
Shady, NY 12479

63-2-1.6

John & Maureen Albarino
326 Hickory Avenue
New Windsor, NY 12553

63-4-4 & 63-4-6

Audie & Milagros Soto
350 Sycamore Drive
New Windsor, NY 12553

57-1-111.1

George & Erika Galiatsos
21 Rick Drive
New Windsor, NY 12553

63-2-3

Michael & Dorene McCann
321 Chestnut Avenue
New Windsor, NY 12553

63-4-16

Tamara Dreyer
336 Sycamore Drive
New Windsor, NY 12553

57-1-111.2

John & Sarah O'Gorman
29 Rick Drive
New Windsor, NY 12553

63-2-4

Keith & Sandra Gise
338 Hickory Avenue
New Windsor, NY 12553

63-4-18

Robert & Joanne Natale
332 Sycamore Drive
New Windsor, NY 12553

57-1-111.3

Robert & Kimberly & Joseph Mauro
30 Rick Drive
New Windsor, NY 12553

63-3-1

Richard & Gail Gorglione
331 Sycamore Drive
New Windsor, NY 12553

63-4-21

Michael & Stacylyn Guida
328 Sycamore Drive
New Windsor, NY 12553

57-1-111.4

Albert & Athena Nasta
22 Rick Drive
New Windsor, NY 12553

57-1-112

Domenick & Gail Anne Mannina
362 Chestnut Avenue
New Windsor, NY 12553

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 06-25-04

FOR: 04-54 ESCROW

FROM: MICHAEL REIS (FOR JOHN TALDONE)

48 WILLOW PARKWAY

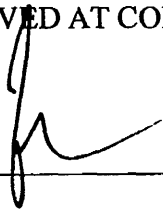
NEW WINDSOR, NY 12553

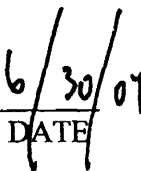
CHECK NUMBER: 6415

TELEPHONE: 496-5970

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:


NAME


DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU

ZBA #04-54

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#650-2004

06/28/2004

Reis, Michael

Received \$ 50.00 for Zoning Board Fees, on 06/28/2004. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

RESULTS OF Z.B. MEETING OF: June 28, 2004

PROJECT: John Salzone

ZBA # 04-54
P.B.#

PROXY

NEGATIVE DEC: M) S) VOTE: A N

RIVERA

CARRIED: Y_____N_____

MCDONALD

CARRIED: Y N

RETS

MINUTA

KANE

APPROVED: M) S) VOTE: A N

RIVERA

CARRIED: Y N

MCDONALD

CARRIED: Y N

REIS**MINUTA**

KANE

ALL VARIANCES - PRELIMINARY APPEARANCE:

MMCS)RV

VOTE: A 4 NO

RIVERA

MCDONALD

2005

MINUTA

KANE

CARRIED: Y ☒ N

STATEMENT OF MAILING READ INTO MINUTES

M)_____ S)_____ VOTE: A_____ N_____.

MC DONALD

REIS

MINUTA

KANE

CARRIED: Y N .

[illegible]



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553

Telephone: (845) 563-4615

Fax: (845) 563-4695

ZONING BOARD OF APPEALS

WHAT TO DO NEXT.....

The Zoning Board of Appeals has just authorized a Public Hearing for your case.

If you have already picked up your copy of the Assessor's List and given the addressed envelopes to me, you need not do anything further at this time. If anything else is required, I will contact you...

..... OR

If the Assessor's Office has not already contacted you to come in and pick up the Public Hearing List and pay the balance due for the list (**see sample chart of cost for list below**), they will call you as soon as the list is complete. This list will be prepared on labels for your convenience. Once you pick up the list.....

You will then need to:

- 1. PREPARE AN ENVELOPE (self-sealing envelopes are much appreciated) FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$37 STAMP. BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR MAILING. YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.**

NOTE:

IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR COMPLETION.

Myra Mason,
Secretary to the ZBA

PLEASE NOTE:

THE APPLICANT WILL BE BILLED DIRECTLY FOR THE PUBLIC HEARING ADVERTISEMENT IN THE "SENTINEL NEWSPAPER"

PLEASE NOTE:

LIST OF PROPERTY OWNERS WITHIN 500 FT. RADIUS OF
PROPERTY IN QUESTION:

APPROXIMATE COST FOR PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES IS \$1.00 EA. ADDITIONAL NAME



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**



APPLICATION FOR VARIANCE

6/24/04
Date

Application Type: Use Variance ☐ Area Variance ☒
Sign Variance ☐ Interpretation ☐

I. **Owner Information:** Phone Number: (702) 243-4375
JOHN & LENA TALDONE Fax Number: ()
(Name)
2609 SPRINGRIDGE DR. LAS VEGAS, NV. 89134
(Address)

II. **Applicant:** Phone Number: ()
SAME Fax Number: ()
(Name)
(Address)

III. **Forwarding Address, if any, for return of escrow:** Phone Number: ()
SAME Fax Number: ()
(Name)
(Address)

IV. **Contractor/Engineer/Architect/Surveyor/:** Phone Number (845) 561-0220
JERRY SABINI Fax Number: (845) 561-1919
(Name)
PO BOX 522 VAILS GATE, N.Y. 12584
(Address)

V. **Property Information:**
Zone: R-4 Property Address in Question: SYCAMORE DR. B.D.LK. New Windsor
Lot Size: 100 x 200 Tax Map Number: Section 63 (63) Block 4 Lot 9-10-11-12 (9.2)
a. What other zones lie within 500 feet? —
b. Is pending sale or lease subject to ZBA approval of this Application? YES
c. When was property purchased by present owner? EARLY 1960's
d. Has property been subdivided previously? NO If so, When: —
e. Has an Order to Remedy Violation been issued against the property by the
Building/Zoning/Fire Inspector? NO
f. Is there any outside storage at the property now or is any proposed? NO

****PLEASE NOTE:****

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF
SUBMITTAL.**

COMPLETE THIS PAGE ☐

04-54

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

HOPE TO BUILD SINGLE FAMILY DWELLING: 3 BEDROOMS - 2 BATH BILEVEL

TAKING DOWN TREES ONLY TO ACCOMMODATE FOUNDATION + DRIVEWAY.

XIII. ATTACHMENTS REQUIRED:

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: **(each payable to the TOWN OF NEW WINDSOR)**
- ☐ One in the amount of \$ 300.00 or 500.00 , (escrow)
- ☐ One in the amount of \$ 50.00 or 150.00 , (application fee)
- ☐ One in the amount of \$ 25.00 , (Public Hearing List Deposit)
- ☐ Photographs of existing premises from several angles. **(IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER - PLEASE SUBMIT THREE(3) SETS OF THE PHOTOS.)**

XIV. AFFIDAVIT.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

24th day of June 2004.

see attached letter

Owner's Signature (Notarized)

Owner's Name (Please Print)

Signature and Stamp of Notary

JENNIFER MEAD
Notary Public, State Of New York
No. 01ME605002
Qualified In Orange County
Commission Expires 10/30/ 2006

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

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TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NY 12553
(845) 563-4615 (MYRA MASON)



ZONING BOARD PROCEDURES

PLEASE READ PAGE ONE AND TWO OF THIS PACKAGE AND SIGN PAGE TWO IT EXPLAINS THE PROCEDURE TO BE FOLLOWED FOR YOUR APPLICATION.

PLEASE COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

RESIDENTIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$ 50.00
*ESCROW:	\$300.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

MULTI-FAMILY: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

COMMERCIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

INTERPRETATION: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

YOU WILL THEN BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING".

*

ESCROW

IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

THE APPLICANT WILL BE BILLED DIRECTLY FOR THE PUBLIC HEARING ADVERTISEMENT IN THE "SENTINEL NEWSPAPER"

**

LIST OF PROPERTY OWNERS
WITHIN 500 FT. RADIUS OF
PROPERTY IN QUESTION:

APPROXIMATE COST FOR
PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES
IS \$1.00 EA. ADDITIONAL
NAME

FOLLOWING YOUR PRELIMINARY MEETING, THE ZONING BOARD SECRETARY WILL ORDER YOUR "PUBLIC HEARING LIST" FROM THE ASSESSOR'S OFFICE.

1. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THIS WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
2. PREPARE AN ENVELOPE (*self-sealing envelopes are much appreciated*) FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.37 STAMP. BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR MAILING. ***YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.***

NOTE:

IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR COMPLETION.

**** MUST READ AND SIGN ****

I UNDERSTAND THAT I WILL BE BILLED DIRECTLY FOR MY "LEGAL NOTICE" TO BE PUBLISHED IN THE SENTINEL NEWSPAPER FOR MY PUBLIC HEARING....(this charge is not deducted from your escrow posted).

Michaelis (FOR TADAWC) 6/24/04
SIGNATURE DATE

NOTE:

THE ZBA MEETS ON THE 2ND AND 4TH MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE. (JULY AND AUGUST – ONE MEETING PER MONTH ONLY)

M. Reis RealtorsP.O. Box 472
(914) 496-6970
FAX (914) 496-768077 East Main Street
Washingtonville, N.Y. 10982

MARCH 26, 2004

TO WHOM IT MAY CONCERN:

WE ARE IN THE PROCESS OF SELLING OUR PROPERTY LOCATED AT:
SYCAMORE DR. BEAVER DAM LAKE, TOWN OF NEW WINDSOR, N.Y.

KNOWN AS THE MAP: SECTION 63 BLOCK 4 LOTS 9-10-11-12 (9.1)

MICHAEL REIS OF M. REIS REALTORS IS OUR AGENT. THE PURCHASER
IS JERRY SABINI OF STRATEGIC HOMES.

PLEASE LET THIS SERVE AS OUR PERMISSION TO HAVE EITHER REIS OR
SABINI ACT AS OUR "PROXY" FOR THE PURPOSE OF OBTAINING A VARIANCE
OR ANY OTHER RELATED ISSUES TO THE SALE OF THIS PROPERTY. WE
ARE NOW IN CONTRACT WITH STRATEGIC HOMES AND THE VARIANCE IS
NECESSARY TO CLOSE AND TO OBTAIN A BUILDING PERMIT.

THANK YOU.

John Tardone

John Tardone

John Tardone

John Tardone

RECEIVED

MAR 26 2004

BUILDING DEPARTMENT



"We make it happen."

63-4-9.2

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